

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Paxton Van Lines, Inc. d/b/a Paxton  
Van Lines of North Carolina, Inc. for a Class E  
(household goods) Certificate of Public Convenience  
and Necessity for Operation of Motor Vehicle  
Carrier

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 - 158 - T

(Please type or print)

Submitted by: Scott Elliott

SC Bar Number: 1872

Address: 721 Olive Street

Telephone: 803-771-0555

Columbia, SC 29205

Fax: 803-771-8010

Other: \_\_\_\_\_

Email: sellott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: Objection to Petitions to Intervene Out of Time pending on Commission Agenda for 9/24/08

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input checked="" type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**ELLIOTT & ELLIOTT, P.A.**

**ATTORNEYS AT LAW**

721 OLIVE STREET

COLUMBIA, SOUTH CAROLINA 29205

[selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

SCOTT ELLIOTT

TELEPHONE (803) 771-0555

FACSIMILE (803) 771-8010

September 23, 2008

Mr. Charles L.A. Terreni  
Chief Clerk of the Commission  
SC Public Service Commission  
P. O. Drawer 11649  
Columbia, SC 29211

RE: Application of Paxton Van Lines, Inc. d/b/a Paxton Van Lines of  
North Carolina, Inc. for a Class E (household goods)  
Certificate of Public Convenience and Necessity for  
Operation of Motor Vehicle Carrier  
Docket No. 2008-158-T

Dear Mr. Terreni:

Paxton Van Lines, Inc. ("Paxton") respectfully objects to the Petitions to Intervene Out of Time filed and served September 18, 2008 by Lytle's Transfer and Storage, Incorporated ("Lytle's"), Adams Investments, Inc., d/b/a Adams Moving and Storage ("Adams"), Kohler Movers ("Kohler") and Smith Dray Line Moving & Storage, Inc. ("Smith Dray Line"). For the reasons set out Paxton urges the South Carolina Public Service Commission ("Commission") to deny these late filed petitions.

This docket was opened April 21, 2008 after Paxton filed its Application for a Class E (Household Goods) Certificate of Public Convenience and Necessity for operation of a motor vehicle carrier. By Notice of Filing issued by the Commission dated June 4, 2008, parties wishing to intervene in the docket were given until July 3, 2008, to file and serve petitions to intervene. In compliance with the Commission's instructions, the Applicant published the Notice of Filing in newspapers of general circulation in Greenville, Columbia and Charleston on June 9 and 10, 2008. No intervenor filed and served a petition timely. Subsequently, on August 4, 2008, Carey Moving and Storage, Inc. (and others) filed and served petitions to intervene out of time; these petitions were filed and served without legal counsel. By Directive dated August 20, 2008, this Commission denied the Petitions to Intervene Out of Time without prejudice.

Lytle's and its co-petitioners have delayed their attempt to intervene seventy-five days after the deadline to do so and waited until six days prior to the hearing set in this matter. Now, the parties are

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forced to wait until moments before the hearing set for September 24, 2008, to learn whether Lytle's and its co-petitioners will participate as parties. This delay deprives the Applicant of its opportunity to prepare for trial with any certainty. Indeed, the Applicant is forced to expend valuable resources preparing for a contested trial that may not and should not occur.

Lytle's and its co-petitioners have failed to justify their delay. Certainly, Lytle's knows this Commission's procedure. The Docket Management System reveals 27 dockets in which Lytle's has participated as a party. All petitioners have been party to proceedings before this Commission. Unquestionably, Lytle's is thoroughly familiar with the rules of this Commission and all petitioners could have easily filed their petitions to intervene in time. While this Commission has the discretion to grant petitions to intervene out of time in the interest of justice, justice here demands that the Commission refuse to allow litigious parties to manipulate the Commission's rules that are designed to protect the public interest.

For the foregoing reasons, Paxton respectfully requests that the Petitions to Intervene Out of Time filed on the eve of trial by Lytle's, Adams, Kohler and Smith Dray Line be denied.

Sincerely,

Elliott & Elliott, P.A.

A handwritten signature in black ink, appearing to read "Scott Elliott", written over a horizontal line.

Scott Elliott

SE/mlw

cc: Shealy Boland Reibold, Esquire  
John J. Pringle, Esquire